

I don't know if there will be criminal charges, but these are pretty egregious actions taken by the State of Michigan.

She said that ready access to clean water is something most Americans take for granted, but something like this can cast doubt on the whole system. "Now there is a crack in that trust relationship," she said. "In Flint it is gone." That is certainly true.

So I would certainly hope my Republican colleagues will understand it is important that we do something now to help these people. We have something that can be done. It should be done. Republicans should stop it. It is not something that is a local issue or a State issue.

RELIGIOUS LIBERTY

Mr. REID. Mr. President, yesterday, President Obama visited a mosque in Baltimore, MD. It was a powerful expression to counter the divisive, hateful rhetoric used by too many Republicans and to emphasize the importance of giving all Americans the respect and dignity they deserve. For years right-wing extremists have attacked the religion of Islam and stoked fear about the presence of Muslims in our country.

Some of those same extremists attacked President Obama for visiting the mosque yesterday. That is an attack on millions of American citizens who are being slandered. I was so gratified that the Presiding Officer had the courage to show solidarity with the Muslims in the State of Arizona and the country by visiting a mosque a short time ago. The Presiding Officer was attacked by rightwing extremists for this visit. I am sorry about that, but I admire what he did.

When hateful extremists set their sights on attacking one religion, they are attacking the core values of American society upon which our Nation was founded. President Obama could not have made this point more clearly yesterday. He said, "An attack on one faith is an attack on all our faiths."

Religious liberty is a priceless American value that should be cherished. We cannot allow the threat from menacing radicals to change who we are and how we treat our fellow citizens. As President Obama also said yesterday, "We are one American family. We will rise and fall together." So I applaud the President for his courage and willingness to combat the detestable hatred that leading Republicans have embraced and far too few Republicans have spoken out against—the hateful rhetoric—especially in the Presidential election by our Republican colleagues.

As defenders of democracy, we must stand against the bigotry wherever it arises. Doing so is the only way to ensure that we stay true to our fundamental values. As election season begins to kick into high gear, I encourage the American people to heed the call that President Obama made yesterday at the Islamic Society of Baltimore,

when he closed by saying, "We have to reaffirm that most fundamental of truths—we are all God's children, all born equal with inherent dignity."

Will the Chair announce the business before the Senate today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

ENERGY POLICY MODERNIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2012, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes.

Pending:

Murkowski amendment No. 2953, in the nature of a substitute.

Murkowski (for Cassidy/Markey) amendment No. 2954 (to amendment No. 2953), to provide for certain increases in, and limitations on, the drawdown and sales of the Strategic Petroleum Reserve.

Murkowski amendment No. 2963 (to amendment No. 2953), to modify a provision relating to bulk-power system reliability impact statements.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be equally divided between the two managers or their designees.

The assistant Democratic leader.

FLINT, MICHIGAN, WATER CRISIS

Mr. DURBIN. Mr. President, what happened in Flint, MI, is incredible. In the 21st century, in the most developed country on Earth, to think that 100,000 people were exposed to contaminated water, to think that 9,000 or 10,000 children were exposed to lead poisoning—it was not a natural disaster but the results are disastrous. It was a disaster created by those who were in charge of managing the city of Flint.

The governmental agencies and those who worked for them made what they considered to be the right budgetary decisions, but they certainly made the wrong decisions when it came to the health and the well-being of the poor people who were victimized by their wrongdoing. Every time I hear the story, the same question comes to my mind: Who is going to jail for poisoning 9,000 children? Think about the circumstances here. A knowing decision by a city manager to switch to a water supply which was contaminated endangered the health of thousands of children, tens of thousands of citizens. If that is not the grounds for at least investigation, I don't what is.

So the Senators from Michigan, Senator PETERS, Senator STABENOW, have come to the floor of the Senate and said to America: Will you help Flint, MI? It is right that they do so. I have been fortunate to serve in the House

and Senate for many years. I cannot tell you how many times Senators from States all across the Nation have asked that same question: Will you help us in Louisiana? Will you help us in Alabama? Will you help us in Texas?

There is hardly a State that has not come to the floor of the Senate asking for help. Yet, for reasons I cannot explain, the Republican majority in the Senate is resisting this idea. Almost 100,000 people were forced to live without access to clean water in their homes. They could not turn on their faucets in the morning to make breakfast or to take a shower, as all of us do. They started their day by waiting in long lines for bottled water to feed and bathe their kids, to take showers, and to stay healthy. They started rationing the water.

The elderly and disabled who could not make it to a pickup location for bottled water, they were left with the option of continuing to use water they know was poisoning their bodies. This is a disaster by any definition. I cannot understand why there is not more understanding and empathy from my colleagues when it comes to Flint, MI. It could happen anywhere. If it happened, would you hesitate for a moment as a Member of the Senate to ask for help?

Nine thousand children exposed to lead poisoning has been called an earmark by the critics of our Senators from Michigan. They said it is just special interest legislation to try to help these victims. That is hard to imagine, that it could reach that level in criticizing this effort. Just like those who suffered from tornadoes and hurricanes, these families did nothing to deserve it. Just as the Federal Government always helps when Americans are hit by disasters, we should do it in Flint.

There were no complaints last May when the Federal Government declared an emergency and reached out to the residents of Texas to help them rebuild their lives after a tornado hit. So I am wondering if the Republican Presidential candidate from Texas is willing to step up, the junior Senator from Texas, and ask for the same level of Federal assistance for Flint, MI, that he asked for his own State.

This crisis is not the fault of the kids, the pregnant women who still call Flint home. Their only crime was living in a city that was so poorly managed by the Michigan State government. Their only crime, if there was one, was being the victims of cheap, dirty water. These kids and pregnant women are the most vulnerable when it comes to lead contamination. We are not going to know for years the extent of the damage, but we know there will be damage.

Many of them live in homes that have been found to have 10 times the EPA limits for lead in drinking water. The Senator from Michigan, Ms. STABENOW, yesterday told us that some of the lead samples reached the level of toxic dumps, so far beyond the level

that is acceptable for human consumption. This means a generation of Flint kids are in danger of suffering brain damage, developmental delays, and behavior issues for the rest of their lives.

To add insult to injuries, when mothers came to the State nurse to fight for their children, they were met with apathy. Listen to what they were told:

It's just a few IQ points. . . . It's not the end of the world.

This is supposedly a quote from a State nurse. The Flint water crisis truly is a tragedy. We need to step forward. It does not just mean funding. It reminds us of the importance of clean drinking water that we all take for granted. When I think of all of the efforts on the floor of the Senate to dismantle the Environmental Protection Agency and to remove their authority to deal with issues involving clean water, it is hard to imagine that they could envision what happened in Flint, because having access to clean water should not be determined by your ZIP Code or your government. I hope my Republican colleagues will work with us on a bipartisan basis, the way we always do it when it comes to disasters that hurt innocent people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, as all of our colleagues know, we have been working very hard to come together around a reasonable path to provide some support and assistance to the people of Flint, MI, who got up this morning—if they took a shower, it was with bottled water. If they were getting breakfast for their children, if a mom was mixing baby food formula, it was with bottled water.

That has gone on now, for some people, 18 months or more. I mean, originally, they were told the water was safe, and they were drinking it and then found incredibly high lead levels in their children. Now it is bottled water. We have businesses downtown who have gone to the expense of creating their own water systems that are totally safe, but no one will come. Doors are closing.

We have small businesses in neighborhoods—we have a revitalization effort in downtown Flint that has been really quite extraordinary. The chamber, a wide variety of organizations, the University of Michigan-Flint, a whole range of groups investing in downtown Flint.

This is all collapsing because of the fact that people are afraid to come and to drink the water or to eat food mixed with the water, even though our businesses downtown are doing things to rectify this right now. The citizens of

Flint, rightly, are in a position where they have been told that the water was safe to drink. They gave it to their children. It wasn't. They are poisoned.

Now they are in a situation where they have great despair and great anger. I share in both of those feelings, a multitude of feelings, as does my friend and colleague Senator PETERS. We are joined together in our commitment on a whole range of efforts to be able to help the children and families of Flint. There was one report—by the way, this is what the water looks like—brown, smells.

There was one story on the news of a house where they went to talk with folks and looked at the lead levels. It was above toxic waste dump levels. I talked to a mom who talked about—and I heard another mom as well, being interviewed, saying: You know, I took my children off of what we call pop in Michigan, other people call it soda, Coke, Pepsi, because I was told that was not healthy for my children. So when my children were playing last summer, I told them to drink water to hydrate because I did not want them getting the extra sugar, the ingredients from pop. Now I know I was poisoning my children.

I can only imagine what that mom feels right now. We have a lot of infrastructure problems around the country, no question. We have colleagues on both sides of the aisle working together on various proposals that I support to deal long term with infrastructure.

But this is way beyond that. This is an entire city of 100,000 people who have poisoned water because of decisions that none of them made. We can talk later about whose fault it is. There is certainly culpability and accountability. But right now we are focused on helping the people who had nothing to do with creating this. It is 100,000 people. The entire system has lead in it. Some levels are thousands of points higher than is acceptable. No lead is acceptable, but some of it is higher than a toxic waste belt.

So we are on the floor asking to help the children of Flint by doing what we do all the time. We just step up as Americans and help a community rebuild their water system. There is a lot more to do. We are so grateful for colleagues who have reached out to say we want to help in a variety of ways—with their education needs, nutrition needs, and health care needs,—but the basic issue is fixing the water system so that the people of Flint have the dignity that we have of knowing that when they turn on the faucet there is going to be clean water.

You have probably seen the picture, but in this example in Time magazine, this is a child whose mom was bathing her children, and there are rashes. We have seen rashes, sores, hair falling out, and lead levels because a community drinking water system has been decimated.

Americans responded across the country by sending bottled water, and

people are very grateful for that. But we also know Americans support and join us by saying bottled water is not enough. This baby cannot be bathed in bottled water every day for years and years and years.

I had one citizen say to me: Ma'am, I can't take a shower in bottled water. We have to support fixing the infrastructure. We do that all the time.

So what we have done—and I appreciate the chair of the Energy Committee working with us. She spent a lot of time—as has the ranking member, who has been ferocious in her support, for which we are so grateful—trying to work this out. Originally, we thought we had a path forward. Then there were procedural issues that came up. Yesterday we thought we had another path forward that would give us bipartisan support on a solution that we could get done and passed here. Then that was paused. I am not exactly sure why that happened, but that was paused.

So today we are asking for colleagues to give us some more time. We have very key people in this Chamber who are now stepping up to give us additional ideas on how we could get this fixed. We can do this quickly if there is the will to do that. So we are asking colleagues to give us more time.

As we know, the cloture vote in front of us today is to basically shut off amendments and go to the next step in third reading. What we are saying is give us some time. There are other issues that need to be resolved as well, certainly issues with working men and women around Davis-Bacon laws. There are other issues. We know that we can come to a resolution if there is the political will and a little more time, so that it is not just some bogus proposal. We have had things thrown out that don't solve the problem. We are not looking for something that just gives somebody political cover. We have resisted a lot of folks who would love just to make this a political issue. These children should not be a political football.

I think Members of this body know that Senator PETERS and I are people who want to get things done. We work across the aisle every single day. If we wanted to blow this up as a political issue, believe me, there would be a different way to do it, and the story writes itself.

We are asking people to care and see these children like you see your own children. These children, these families have been ignored and not seen. We see them. Their faces are burned in my memory. We are asking colleagues to see them, to hold them with as much value as you would children in your own family and in the States that you represent. That is what we are asking—nothing more, nothing less.

We have not proposed that the Federal Government take full responsibility on cost—far from it. In fact, we have been told by colleagues that we have not proposed enough. We have

been willing, in fact, to come to an agreement on something that is less than half of what we originally asked for.

But these children deserve the dignity of knowing we will step up and help them. Too many of these children—9,000 of them under the age of 6 and a whole lot of many more thousands above the age of 6—are going to be set back and not have the opportunity to be all they can be. How many scientists, doctors, business people, and teachers are we going to lose because of lead poisoning in this community?

It doesn't go away. I have learned more than I have ever wanted to know about lead. I didn't know that once it enters the body, it never goes away. So the children who are poisoned are going to have to live with this, and the best we can do is mitigate it through nutrition and through other strategies. But they deserve to know that we are going to fix this, and we can't begin to deal with it unless the water system works. That is all we are asking for.

Today, because we know there is a path, people of good will have been trying to get it done. We need a little more time. I think these children deserve a little more time. I think these families deserve a little more time.

Let us get this together. If we vote next week, next Tuesday, we will be OK. How many kids, how many bottles of water—how many bottles will be used between now and next Tuesday by the people of Flint?

We can take a couple of extra days to do something that will dramatically change the opportunity for our future in a city that is as important as any other city in our country. So that is what we are asking for. We are grateful that our colleagues are standing with us—our colleagues on our side of the aisle—to give us more time.

We are hoping that the leadership will decide to give us that time so that we can say to this child: We see you, we hear you, we care about you, and we are doing our part in the Senate to make things better.

Thank you.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I rise today to urge my colleagues on both sides of the aisle to oppose the upcoming cloture vote on the Energy Policy Modernization Act. This is not because I think this is a bad bill. In fact, I know this bill is the result of months of hard work on both sides of the aisle, and it contains many provisions that will move our economy forward.

I appreciate the efforts of Chairman MURKOWSKI and Ranking Member CANTWELL, including their willingness to include bipartisan legislation that I offered with Senators ALEXANDER and STABENOW to support the development of next-generation clean vehicle technologies. While I sincerely hope that we are able to advance this bill out of the Senate, it is simply too soon to cut off debate and invoke cloture.

Senator STABENOW, Senator CANTWELL, and I have been negotiating with our Republican colleagues to secure critical assistance for the city of Flint, MI, whose residents are continuing to suffer from a manmade disaster. Nearly 2 years ago, an unelected emergency manager appointed by Michigan's Governor changed the city of Flint's water to a source of the Flint River in an attempt to save money while the city prepared to transition to a new regional water authority.

After switching away from clean water sourced from the Detroit water department, Flint residents began to receive improperly treated Flint River water, long known to be contaminated and potentially very corrosive. Brown or yellow water poured from Flint faucets that tasted and smelled terrible. This water wasn't just disgusting, it turned out to be poisonous. This corrosive water leached lead from aging but previously stable infrastructure.

A generation of children in Flint are now at risk for the severe effects of lead exposure, which can cause long-term development problems, nervous system damage, and decreased bone and muscle growth. Even though Flint is no longer pulling its water from the contaminated river and is back to drawing safe Lake Huron water, the recently damaged pipes and infrastructure contaminate the water before it pours from the tap.

Flint residents are unable to use their showers and need to wash themselves with baby wipes. Some walk as far as 2 miles to pick up bottled water to drink—the same bottled water they use to cook and to brush their teeth. This is simply not sustainable.

Flint needs the support of all levels of government to overhaul its damaged water infrastructure and help the children of Flint, who will be dealing with the health effects of lead exposure for decades to come.

What makes America so exceptional is its resiliency and the unity of our people in the face of a tragedy or a crisis. While Flint has faced decades of economic hardship, it is now facing a full-blown crisis, and now is the time for all of us to pull together.

On Monday, I heard from a woman who was on the verge of tears as she discussed her fears of the health conditions that her children face.

Yesterday I met another mom from Flint who brought a baby bottle filled with brown water that she poured from her tap—and brought it to Washington—to show my colleagues and Congress just how immediate a public health threat this public crisis is. This image that appeared on the cover of Time magazine is clearly a haunting cry for help.

I ask my colleagues to look into those eyes and to hear that cry, to see that cry for help. I believe that if any of my colleagues saw this tragedy such as we are seeing in our home State—Senator STABENOW and I—they would be standing here doing everything in

their power to deliver assistance. Whether the crisis is natural or man-made, it simply doesn't matter. This is a crisis.

It is also important to know that this crisis has raised questions about the safety of our Nation's infrastructure. It is possible that other communities could be affected.

While other communities may not suffer a crisis like Flint, across the country communities are learning about the vulnerabilities of their own water supply and what may happen in the future.

I should also reiterate that the proposal Senator STABENOW and I have been negotiating would provide funding for any State that has had an emergency declaration related to lead or other contamination in public drinking water systems. So it is not just about Flint. This is about any community that is suffering from contamination of their drinking water.

While we often talk about crumbling roads or bridges, hundreds, if not thousands of American cities, towns, and villages have aging water infrastructure and lead pipes.

Should one of our colleague's communities experience a similar crisis in the coming months, this funding we are fighting for today will be available to them as well.

Now is the time for action and to help the families of Flint. I hope that we can reach a resolution on our negotiations with our Republican colleagues, but we are not quite there yet. I urge all of my colleagues to oppose cloture on this bill until we have a deal.

Whether in Flint or elsewhere in America, we have a responsibility to care for our children. We must repair the trust Flint residents have lost in the ability of government officials to protect them and provide the most basic of all services.

I strongly urge my colleagues to join us in our efforts to help Flint recover from this unnecessary, manmade disaster.

Standing up for the children of this country is not a Republican or a Democratic issue, and I hope that today we show the American people that we can come together at times of crisis. This is common ground on which we can stand together and stand up for the people and children of Flint.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I see that the distinguished Senator from Alaska has come to the floor as the manager of the bill. I have a statement I wish to give, but I didn't know if she needed to say something.

Mr. President, I rise today to add my heartfelt and impassioned voice to call for action to help the people who live in Flint, MI, with this emergency situation. We have to be in it to deal with the emergency today and the long haul for tomorrow.

This is of catastrophic, almost Armageddon, proportion. An American city has been poisoned because of a situation that has been self-induced and self-inflicted. What is happening in Flint, MI, is appalling. It is a tragedy, it is a disgrace, and it will be for a long time. We need to fix the pipes right away, but the fixing of human beings is going to take a long, long time.

Let's get real. We are now bogged down in parliamentary inertia. We are now bogged down in Washington wonky budgetary talk: Where are the offsets?

What is this? What is this? Are we human beings? We take an oath to defend the Constitution against all enemies, foreign and domestic, but sometimes an enemy is a tragedy. It can come from—God knows—a hurricane or tornado, and we rush in to help. If this had been a terrorist attack, oh, my gosh, we would be willing to go to war to defend America. Well, we need to go to the edge of our chair to help Flint. My gosh.

The Senators from Michigan are looking for \$400 million. That is no small amount of money, but I bring to my colleague's attention that it is the price of four F-35s—four F-35s that are supposed to protect America. Good for that. But right now I think the people of Michigan would say they would like to have the help they need. If we are talking about a threat to the people, the threat is here.

Now, where are we? We have to deal with this. I am the vice chair of the Appropriations Committee. I say to my colleagues: Guess what, gang. All this budgetary stuff, all the battles with sequester and so on—we have only \$800 million for safe drinking water, less than \$1 billion. Flint today is asking for \$400 million. We know it is a down payment. I say to my colleagues from Michigan, this could happen to any State. It could happen to any State because our infrastructure is not only aging in place, it is becoming dysfunctional in place and it is becoming dangerous in place—\$800 million.

Senators STABENOW and PETERS have already shared horror stories. Gosh, they have done a great job speaking up for the people. I really compliment their advocacy. But we are all Flint. We are all Flint. The facts will speak for themselves as we talk about how the Flint water is contaminated because its pipes are permanently damaged. I understand that replacing Flint's corroded water infrastructure will cost anywhere from \$700 million to \$1.5 billion—approximately 500 miles of old iron pipe and thousands of lead service lines.

It is an untold, big cost, but I am going to speak about the children. I am going to speak about the people. My gosh, what are you going through? I don't know how you can run a family. Well, you can't run a family on bottled water. You can't run a business on bottled water. You can't run a city on bottled water. I don't know how you wash. I don't know how you take care of your

children. I wouldn't go anywhere in Flint unless I personally prepared my food or washed my clothes or saw what I was doing. I would be scared to death. I bet those parents are too. And what are we afraid of? We need to get there.

Now I am going to talk about the children and the human cost. I say to my colleagues, both from Michigan and here, Senator CARDIN and I know a lot about lead poisoning. We have been through really difficult problems in Baltimore because of lead paint poisoning and the legacy of paint used during World War II. We know what it does. It lowers IQs. It causes significant developmental delays. There are behavioral issues, including attention deficit disorder. It is a lifetime; that little boy or girl at 6 years old, God willing that they live to their 80s, they are going to carry this in their blood unless there are incredible medical breakthroughs for the rest of their lives. Senator STABENOW and I have discussed possible medical breakthroughs, but, gosh, we have to get on it. We have to get on it. Again, the effects of poisoning could take a lifetime.

What I know about lead paint in Baltimore goes back to my days in city council where the paint was poisonous. They were coming into Johns Hopkins and the University of Maryland Medical Center, kids just so sick. I remember the story about a little boy who was so weak that on his way to school he lay down in the middle of the street. He was so depleted because of the consequences of lead paint.

That is why I support the Stabenow amendment to provide \$800 million in loans and grants and also to provide about \$20 million to HHS to bring together the best thinking to have the best responses to the human infrastructure.

I have worked on this issue for a long time, going back to Senator Kit Bond, my pal and partner when we had the old VA-HUD Appropriations Subcommittee. Senator Bond was a real champion on this. There can be a bipartisan solution. Let's make it an American solution. This isn't about "you," and it is not about "Democrats." It is about "us."

As vice chair of the Appropriations Committee, I certainly want to work with my colleagues on how we can do this. But let's get the lead out of the pipes, let's get the lead out of the water, let's get the lead out of the way the Senate has functioned and move to make a down payment on this.

Mr. President, I really want us to understand we have to solve this problem.

I will conclude with this. I just want to say something to the mothers of America: We need you right now. The mothers of Flint need you. The mothers of Flint need you. The fathers of Flint need you. The mothers and fathers of Flint need you. If you are a mother or father anywhere, you could be a mother or father in Flint. Let's organize ourselves in the most effective

way to solve this problem, and let's begin to heal the critical infrastructure so we begin to prevent this from happening in any other American city.

Mr. President, today I wish to support an amendment filed by my friend and colleague Senator COLLINS that would require the Department of Energy to identify a mitigation strategy to help protect our critical infrastructure in the electric sector from a catastrophic cyber attack. When it comes to our national security, there is no such thing as partisanship, and we have to work together on a bipartisan basis to ensure our Nation is safe and protected. We need to act, and we need to act in the defense of the United States of America. The Senate has a great opportunity today to pass an amendment to help protect and defend our Nation's critical infrastructure from a devastating cyber attack.

What do I mean by critical infrastructure? It is our electric power grid, our financial services, our water supplies, those things that are the bread and butter of keeping America, its business, and its families going. These are entities that are vital to the safety, health, and economic well-being of the American people; so we need to do our part to help keep our critical infrastructure hardened and resilient against attack.

You don't have to be a science fiction enthusiast to understand how devastating an attack that disabled our power grid would be—millions without power. I am not worried that we will have to put away our iPhones; I am worried about vulnerable populations lacking heat in the dead of winter, about emergency responders who can't get calls, and about patients who need power for lifesaving medical devices.

The possibility of an attack on our power grid is not far-fetched. We know that there are already attacks going on in our energy sector. The committee report accompanying this bill notes that one-third of reported cyber attacks involve the energy sector.

But not only do I worry about an attack, I equally worry about our inertia, where we do nothing. I bring to the attention of the Senate that Jim Clapper, the Director of National Intelligence, testified that the No. 1 cyber concern he has is an attack on our Nation's critical infrastructure, saying the greatest threat facing our country was in the cyber domain. His testimony is backed up by several intrusions into the industrial control systems of critical infrastructure, which are the computers that control operations of industrial processes, including energy plants. Just a couple of weeks ago, Marty Edwards, who runs the Department of Homeland Security's Industrial Control Systems Cyber Emergency Response Team, warned that he had seen an increase in attacks over the past year, saying systems are vulnerable because they are exposed to the Internet.

Admiral Rogers, the Director of the National Security Agency, with responsibility for cyber space, testified in a hearing this summer that our country was at a “5 or 6” in preparedness for a cyber attack against our critical infrastructure.

In November 2015, Richard Ledgett, the Deputy Director of the NSA, was asked if foreign actors already have the capability to shut down key U.S. infrastructure during a CNN interview, such as the financial sector, national gas distribution and energy sector, transportation network, and air traffic control system. His response was “Absolutely.”

We don’t want a digital Pearl Harbor. We can act now. We can act when it is within our power to protect, defend, and deter these attacks. That is what I want. I want us to have a sense of urgency. If we wait for another major cyber attack, we risk overreacting, overregulating, overspending, and overlegislating. The time to act is now.

This amendment would take the commonsense approach of requiring the Federal agencies responsible for the cyber security of the electric grid to review those entities that matter most and to propose actions that can reduce the risk of a catastrophic attack that could cause thousands of deaths or a catastrophic blow to our economy and national defense.

Congress has missed opportunities to improve our Nation’s cyber preparedness, and we need to take action before a “cyber 9/11” occurs. Right now, our adversaries are watching us, and it looks like we are doing nothing—that when all is said and done, more gets said than gets done.

Our adversaries don’t have to spy on us. They can just look at the Senate floor and say, “What the heck are they doing?” You know what they are going to do? They are going to look at us and say, “There they go again.” Our own inability to pass legislation, our own partisan gridlock and deadlock emboldens our predatory enemies who know we have done nothing to strengthen vulnerable critical infrastructure by putting in place those hardened, resilient systems and policies to protect, defend, and deter.

A cyber attack has the same intent as a traditional terrorist attack—to create chaos, to create civil instability, and to create economic catastrophe. Just think about a cyber attack in which our grid goes down. Think of a blackout in New York. Think of a blackout in Baltimore. When the Senate, at my urging, did the cyber exercise on what an attack would look like on our critical infrastructure, it showed what would happen. The stoplights go down, the lights go out in the hospitals, and the respirators go off. Business shuts down. Commerce shuts down, and 9-1-1 shuts down. America would be shut down, and we would be powerless and impotent to put it back on in any quick and expeditious manner.

This happened in Ukraine in December 2015. Ukrainians lost power in what the U.S. Department of Homeland Security and Ukrainian authorities assessed was a cyber attack. The attack caused a blackout for tens of thousands of people, and industry experts identified this as the first-known power outage caused by a cyber attack. This is no longer a theoretical risk; it is here, and it is real.

Think of the chaos of no electricity. We will all go through blackouts. Snowzilla roared through the east coast last week leaving hundreds of thousands without power. No matter how delayed Pepco, BG&E, and Dominion were at responding, they got it back on.

But what happens if they can’t get it back on? What happens if they can’t get it back on for weeks or longer? Remember, the attack is to humiliate, intimidate, and cripple. Humiliate? Making us look powerless. Intimidate? To show there is this power that can cripple our functioning as a society. I find it chilling.

I have been immersed in cyber issues since I was elected to the Senate. Our cyber warriors at the National Security Agency are in Maryland, and I have been working with the NSA to ensure signals intelligence was a national security focus even before cyber was a method of warfare. In my role on the Intelligence Committee, I served on the Cyber Working Group, which developed findings to guide Congress on getting cyber governance right, protecting civil liberties, and improving the cyber workforce.

As vice chairwoman of the Appropriations Committee, I have insisted on a robust cyber budget and fought to increase our cyber security investments in the fiscal year 2016 Omnibus to keep us safe, putting funds in the Federal checkbook for critical cyber security agencies on the order of \$12 billion. These include the Federal Bureau of Investigation, which investigates cyber crime; the Department of Homeland Security, which safeguards critical infrastructure in cyber space; the Department of Defense, or DoD, which defends our homeland, national interests, and DoD networks against cyber attacks and includes intelligence and cyber agencies, like the National Security Agency, U.S. Cyber Command, the Central Intelligence Agency, and Intelligence Advanced Research Projects Activity, which are coming up with the new ideas to keep our country safe; the National Institute of Standards and Technology, which works with the private sector to develop standards for cyber security technology; and the National Science Foundation, which researches ways to secure our Nation. These funds are critical to building the workforce and providing the technology and resources to make our cyber security smarter, safer, and more secure.

Good people in this body have been working on both sides of the aisle for

some time now. So I conclude my remarks by saying to my colleagues on both sides of the aisle: Let’s do what we need to do to protect and defend the United States of America and adopt this amendment now. Working together, we can make our Nation safer and stronger and show the American people we can cooperate to get an important job done.

Mr. President, I yield the floor.

Mr. TESTER. Mr. President, I would like to speak about the Energy Policy Modernization Act that we have been considering on the Senate floor.

This bill has a lot of good things in it. It includes provisions to support a wide array of energy technologies, from improving conventional energy sources to promoting renewables to advancing long-overdue policies to increase energy efficiency. It supports energy infrastructure, which is critical for energy exporting States like Montana. It includes specific provisions that I have worked on to promote geothermal development, and I thank Chairman MURKOWSKI and Ranking Member CANTWELL for including them. In the course of this debate, we have adopted amendments to boost research and development overall and to clarify policies to recognize the value of energy development from forest biomass. I am also hopeful we will also be able to add provisions from the Public Lands Renewable Energy Development Act that I have championed for years.

Furthermore, this bill includes permanent reauthorization of the land and water conservation fund with my making public lands public provision to increase access to our public lands for hunters, fishers, and others who want to enjoy them. Although it does not provide the money to fully fund the LWCF, a permanent authorization would help us avoid letting the fund lapse, as it did last fall for over 2 months. It also invests in our national parks as we celebrate the centennial year of the Park Service. Though I may not agree with everything in the bill, these provisions I have highlighted are tremendously important to Montana.

But we are also in the midst of a developing environmental catastrophe. The people of Flint, MI, including as many as 9,000 children, have been exposed to lead-contaminated water for a prolonged period due to decisions made by the State of Michigan in the interest of saving money. A generation of kids in this community could see lifelong effects from a completely avoidable and manmade disaster. As we know all too well in Montana, clean water is far more valuable than money. It is completely unacceptable that this has happened.

In Montana, there are places where we are still living with the legacy of environmental pollution. In Butte, Anaconda, Libby, and elsewhere, long-term cleanups continue from mining development, industrial activities, and the tragedy of widespread asbestos use.

The human health costs of these disasters have been tremendous. We must not stand by and watch another community and more kids be affected by manmade disasters without stepping in to help. If we have a chance to stop this particular catastrophe before it gets any worse, we ought to. We have to.

And that is why I am disappointed that we are not currently able to provide meaningful and immediate assistance to help fix the pipes and address broader impacts. I hope we can figure out how to pass this bill. Let's stay on this bill, let's find a way to do right by folks in Flint, and let's pass this bill.

AMENDMENT NO. 3140, AS MODIFIED

Mr. President, I want to speak briefly about a bipartisan amendment offered by Senator COLLINS that was adopted this week. I support this amendment to help bolster forest biomass in our renewable energy portfolio and provide consistency across Federal programs. Our Nation has long depended on the flow of wood and fiber from our forests. Now, we are recognizing the role of forest biomass in lowering our carbon emissions and increasing our energy independence. When harvested sustainably, the carbon benefits of forest biomass can be great. Carbon emitted to the atmosphere from forest biomass is eventually removed again with forest growth, and this cycle can happen again and again.

Forest biomass is also good for jobs, particularly in rural communities. Recognizing the carbon benefits of forest biomass can increase its value. This will help keep our Nation's forests healthy by making it economically feasible to conduct forest health treatments and reduce hazardous fuels that threaten our communities. It will also help the timber industry by allowing them to use more wood that would otherwise be wasted.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, the Energy Committee has worked really hard over the past year to develop the broad bipartisan energy legislation that is before us. Members in both parties focused on areas of common ground, worked across the aisle, and developed legislation that ultimately earned the support of more than 80 percent of their colleagues, Republicans and Democrats alike.

Here is what some of our Democratic friends have had to say about the broad bipartisan Energy Policy Modernization Act.

The junior Senator from New Mexico said this bill "is critical to protecting" his State's "treasured public lands and outdoor heritage."

The junior Senator from Minnesota pointed out that "several key measures" he wrote are in this bill and that this bill represents "a good step" forward.

The junior Senator from Hawaii noted that her proposals in the bill "will bolster energy reliability and security" in her State.

The senior Senator from West Virginia said he was able to include "critical measures" in the bill to help coal jobs and low-cost electricity in his State. "It is critical for America to establish an all-of-the-above energy portfolio that includes all of our domestic resources," he said, and, "I truly believe that this bipartisan bill will bring us one step closer to achieving U.S. energy independence." That is the senior Senator from West Virginia, a Democrat.

The top Democrat on the Energy Committee said:

If we want to continue to compete in the global economy, we must continue to improve energy productivity and that is exactly what this bill does. The Energy Policy Modernization Act will help ensure that the nation is eliminating energy wastage and making improvements in new technologies that will improve our competitiveness for the 21st century.

That was the ranking Democrat on the Energy Committee. She worked hard with Senator MURKOWSKI on the Energy Committee to develop this bill, and they have worked together to manage it here on the floor as well. Under their leadership, more than 30 amendments from both Democrats and Republicans have already been adopted.

For example, one of our Democratic friends offered an amendment that he said would "strengthen this bipartisan energy bill and help us move towards a 21st century economy." The Senate adopted it.

Another of our Democratic friends said his amendment would "empower us with knowledge" and help us "make informed decisions to protect consumers, key sectors of our economy and our energy security." The Senate adopted that amendment too.

There is a lot for both parties to like in this bill. The Energy Policy Modernization Act is the result of a year's worth of constructive and collaborative work. So let's not risk that progress. Let's keep working together and vote today to advance this measure. If we want to help Americans produce more energy, let's vote to advance the measure. If we want to help Americans pay less for energy, let's vote to advance it. If we want to help Americans save energy, let's vote to advance it. And if we want to help bolster our country's long-term national security, one more time, let's vote to advance it.

I would note one more thing the top Democrat on the Energy Committee recently said: "Sometimes we can be cynical about this place and what we can get done; then, all of a sudden, we have a great opportunity to move something forward."

She continued:

This is a milestone for the Senate. The fact that we are considering energy policy legislation on the Senate floor in a bipartisan bill, or any bill, for the first time since 2007 is a tremendous milestone.

That is the ranking Democrat on the Energy Committee.

So let's bring this bill to the finish line. Let's vote to bring America's en-

ergy policies in line with today's demands so we can prepare for tomorrow's opportunities too.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I also want to, as I did before, commend those working on this bill, and I share the majority leader's feeling that a lot of positive progress has been made. We are just not done yet. So while I commend, and have commended, the chair and the ranking member, we have important issues and an energy bill that deals with energy, water, and all kinds of issues. Certainly addressing what is happening in Flint, MI, with the catastrophe is appropriate. We just want to know that we have an agreement—not vote, but an agreement—to get this done.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the comments from my colleagues raising attention to the issue in Flint, MI. I think we have had good, constructive discussions, not only very intensely yesterday, but working with the two Senators from Michigan on this issue for several months right now. As the Senator said, the discussions are still ongoing, and I want to speak to where we are in that process.

I would like to start my comments this morning by recognizing that we are very close to the time that has been set for this first cloture vote on this broad bipartisan bill.

As we approach it, I want to follow on the majority leader's comments in terms of reminding Members of what we have incorporated within this measure, to reiterate the strong bipartisan support that our bill has drawn, and to lay out what I believe is our best path to final passage.

This Energy Policy Modernization Act, as I have mentioned, is more than a year's worth of hard work by those of us who serve on the Energy and Natural Resources Committee, it has been the result of Member-to-Member conversations, listening sessions, legislative hearings, bipartisan negotiations, and then we had a marathon 3-day markup in July. At the end of that markup, we moved it out by a vote of 18-to-4. It was pretty strong support—10 Republicans and 8 Democrats in favor.

The reason the bill passed out of the committee on such a strong bipartisan basis was not just because of our commitment to good process. We matched that with an equal commitment to good policy. I think that is important to recognize. It was processed, but it was also policy.

We worked together to include the priorities from Members of both sides of the aisle as well as from within the committee and outside of the committee. We agreed to include a bill to streamline LNG exports that was written by Senator BARRASSO and 17 other bipartisan Members. We agreed to include a major efficiency bill headed up

by Senators PORTMAN and SHAHEEN and 13 other bipartisan Members. We agreed to improve our mineral security, an effort that I have led with Senators RISCH, HELLER and CRAPO. We agreed to promote the use of hydro-power, a clean renewable resource that is favored by almost everybody in this Chamber. We agreed to expedite the permitting of natural gas pipelines without sacrificing any environmental review or public participation. This was an effort that was led by Senator CAPITO.

We agreed to a new oil and gas permitting pilot program, one of several ideas that Senator HOEVEN contributed. We took up a proposal from Senator COLLINS to boost the efficiency of schools. We agreed to approve our Nation's cyber security based on legislation from Senator RISCH and Senator HEINRICH. We also made innovation a key priority to promote the development of new technologies. As part of that, we agreed to reauthorize many of the energy-related portions of the America COMPETES Act, thanks to the leadership of Senator ALEXANDER. We agreed to take commonsense steps to promote geothermal energy, which is a key issue to Senator WYDEN, certainly myself, and so many others. We agreed to promote vehicle innovation based on a bipartisan measure from Senator ALEXANDER and our friends from Michigan, Senator PETERS, Senator STABENOW. We agreed to reauthorize the coal R&D program at the Department of Energy based on yet another bipartisan proposal from Senators MANCHIN, CAPITO, and PORTMAN.

In the context of our broader bill—and only in the context of the broader bill—we also agreed to reauthorize and reform the Land and Water Conservation Fund. What we came away with was a good, timely bipartisan measure that has a very real chance of being the first Energy bill to be signed into law in over 8 years. It is a measure that will help America produce more energy. It will help Americans save money, and it will help ensure that the energy can be transported from where it is produced to where it is needed. It will bolster our Nation's status as the best innovator in the world, something we should all aim to support. It will boost our economy, especially our manufacturers, and it will cement our status as a global energy superpower.

As I said, it does all of this without raising taxes, without imposing any new mandates, and without adding to the Federal deficit. I think because of all of that, that is why you have seen the good, strong support for this measure. That was our base bill. That was where we started. When we came to the floor, it got better. Our starting point at the Senate floor was good and strong. Since we have taken up the debate for a week now, we have continued to work in a very open, very bipartisan, sometimes a little bit lengthy and tedious process, but it works.

We committed to an open amendment process and most Members have

held back on, whether you call them gotchas or gimmies or poison pills, but there has been a great deal of cooperation. We voted on 38 amendments now. We have accepted 32 of the 38. We have added even more good ideas from even more Members to an already bipartisan bill.

I will recount a few of the things we have done with that. We agreed to boost our Nation's efforts to develop advanced nuclear technologies. This was a great amendment led by Senators CRAPO, WHITEHOUSE, RISCH, BOOKER, HATCH, KIRK, and DURBIN. We voiced our strong support for carbon capture and utilization storage technologies thanks to an idea from Senators HEITKAMP, CAPITO, BOOKER, WHITEHOUSE, MANCHIN, BLUNT, and FRANKEN. We have reaffirmed the need for consistent Federal policies that recognize the carbon neutrality of forest biomass. This was an effort that was championed by Senators COLLINS, KLOBUCHAR, AYOTTE, KING, FRANKEN, DAINES, CRAPO, and RISCH.

You do not often see these large groups of Senators coming together in a way that we have seen on this bill. Some would look at the names I read off and say: I did not know that they had anything to work on. But these issues have brought them together. This truly has been a team effort, with Members reaching out to one another, lining up behind each other's ideas, working with Senator CANTWELL and me to ensure their adoption.

The best proof of that is simple review of our bill. Right now the Energy Policy Modernization Act includes priorities sponsored or cosponsored by at least 62 Members of the Senate. When was the last time we saw that level of cooperation and collaboration? Think about it. More than three-fifths of the Senate has contributed something to this Energy bill, and we are not done processing amendments yet. My staff and the staff of Senator CANTWELL have been comparing notes about the feedback we have been getting outside the Chamber. What we found is that from the very time we started working through the committee process to our time on the Senate floor, a very wide range of individuals, businesses, groups have come out and supported the bill or certainly pieces of it. We have had provisions endorsed by major associations whose membership account for hundreds of companies and millions of American workers. This includes the U.S. Chamber of Commerce, American Chemistry Council, National Electrical Manufacturers Association, the Alliance of Automobile. We have also heard from labor groups—North America's Building Trades Union, the United Autoworkers, the United Brotherhood of Carpenters. They have all weighed in with support for ideas that are included within the bill.

We have a huge coalition from the Alliance to Save Energy to Seattle City Light that has welcomed the work we are doing on efficiency. I have got-

ten good, strong support from Alaskans from our Department of Natural Resources, the Alaska Power Association, the Bristol Bay Native Corporation, Cordova Electric Cooperative, and a whole lot more. As you might expect, we have also received great encouragement from the people who keep the lights on, who keep our fuel affordable, who help produce the materials that make modern life that much more enjoyable—whether it is the National Mining Association, American Exploration & Mining, the Business Council for Sustainable Energy, American Public Power Association, Edison Electric, and others.

The reality is, those who have weighed in, in support of this measure are too many to name this morning, but that is a good problem to have when you are legislating that you have run out of time in outlining the coalitions that have come together in support.

So that I do not get into any trouble this morning, I want to be clear that many of the groups and the entities I have listed have endorsed parts of the bill, not all of it. I am not suggesting that everyone who likes our work to streamline LNG Exports is automatically supportive of what we are doing to clean up the U.S. Code. That is entirely fair. Not everything in this is going to appeal to everyone.

In a lot of ways, that is how things work in a place like the Senate. Not everyone likes every provision of this bill. I do not like every provision of this bill. Not everyone is getting everything they want. It is pretty tough to find a situation where you get 100 percent of everything you would want. This is not the bill I would have written on my own, but it is the bill we have written together first as a committee of 22 and now as a Senate working together.

Our work has produced a good bill, a good bill worth debating, worth advancing, and worth passing. That brings us to the point where we are with the cloture vote we will soon take. This vote is on the first of two cloture motions we will need to approve before we can move to final passage.

There are two votes. There is one on the substitute amendment, and there is one on the underlying bill. This means this vote we will see very shortly is a means to advance debate, not to conclude it, on our Energy Policy Modernization Energy Act. It is also a choice. I think it is important to lay out clearly to Members where we are, what we are voting on this morning.

By voting for cloture, Members will be ensuring that we remain on this bill for at least another 30 hours of legislative activity. You will be voting to continue this process, to continue this debate, and to continue processing amendments whether by voice, as we have done so many of them, or by roll-call vote that we hope to set up. You will also be giving us the time we need

to focus on matters that are simply not settled yet.

As we have heard from our colleagues from Michigan, there are some matters they wish to have resolved that are not yet settled, but this allows us that time to do that but to do this in a way that is going to be acceptable to the majority of our Members. The reality is, if you are not comfortable with where we are 30 hours from now, you can still vote against the next cloture motion that comes up. That is one choice, and that is going to be my choice. Here is the other: If you vote against cloture, you will be effectively voting not to prolong debate but to move us off this bipartisan bill. You will be voting to effectively be giving up on so much of what we have done, a year of process, agreement on almost 50 Energy bills that we have incorporated into this base bill, and the strong approval of 32 separate amendments and counting that we have advanced through the floor.

I believe you will be voting to give up our best opportunity—certainly our most immediate opportunity—to address the issue to help the people of Flint, MI, and in other parts of the country that may have similar issues. Every time I leave the Senate floor—at least this past week—I am swarmed by reporters who want to know what is going on, what is the latest discussion. What is going to happen with Flint? Is Flint going to bring this bill down?

This morning I want to speak directly to this to let Members know what has gone on because we were not out here on the floor all day yesterday hashing things back and forth. We have been discussing very earnestly, and I believe very constructively, what our options are, how we can find a path forward that will yield a result, not just send a message but yield a result to help the people in Flint, MI.

The first thing I will say is that I share the concern, the heartbreak for what the people of Flint, MI, have faced and are facing. It is a crisis. It is a tragedy. It is heartbreakingly avoidable. Unfortunately, we look at how we got here, and it is a failure of local, State, and Federal Governments to regulate and monitor that city's water supply.

What has happened in Flint has hurt people. It is hurting children. It has damaged property. It has left families in a horrible predicament, through no fault of their own, where they cannot drink their tapwater, they cannot bathe their children. There is plenty of blame to go around here. I know my colleagues from Michigan would agree with me, but our job in the U.S. Senate is not to play this blame game. It is to own up to what that Federal role is because I believe there is that Federal role, and then on that basis do what we can to help and make sure that our response is proportionate to that role. So why then consider all of this in the context of an energy bill, you might ask, and it is a fair and legitimate

question. Well, it is because this is the first piece of legislation that is on the floor since the extent of the crisis in Flint became clear to us.

Senator STABENOW and I began discussions about the situation in Flint in very early December as we were trying to move through an omnibus bill to see if there was not something we might be able to address through the appropriations bill. Since that time, again, more has been learned, and we are here today with legislation that gives us an opportunity to consider it.

I did not shy away from this discussion, as hard it was. I did not say: Hey, that is going to be a poison pill. I cannot deal with it. I said: Let us try to figure this out because if we do not address the situation, it is not going to go away. We have a role here. Let us figure out what that responsibility is, and let us engage in this conversation.

Senator CANTWELL and I have been fully engaged, most directly with the Senators in Michigan, trying to find a responsible path forward. The negotiations have been earnest, in good faith, and ongoing, but I think that there has been a little bit of confusion about the status of the negotiations. I want to outline where I believe we are right now.

We have made headway on Federal assistance—something that we know cannot be borne by our Energy bill alone. We have found programs that could be good fits to provide aid.

We also recognize that this is not Flint's burden alone, but there are other communities in other States, including my State, that face similar crises as a result of government failures. We hear about them as Members and talk about these situations. I believe the Senator from Maryland used the phrase "We are all Flint." I think we all have situations—maybe not to the crisis proportion that they have in Michigan right now, where they needed a Presidential declaration, but we all recognize that we all have issues that are troubling us a great deal when it comes to how we provide safe drinking water for our families.

Our problem is not about whether we should offset the cost of this assistance; it is how we do so in a manner that does not destroy the underlying Energy bill and does not violate the Constitution or the rules we have here in the Senate. I made myself very clear when we began, at the outset of the debate on this measure, that we have to make sure we do not have scoring issues with CBO, and we have to make sure there are no blue slip issues because that would kill the bill, and then where would we be? Then nobody would win in that scenario. In that scenario we would end up with no energy bill and nothing to address the situation in Flint.

This morning I filed a second-degree amendment to provide support for the people of Flint. My amendment will make up to \$550 million available, including \$50 million which will be made

immediately available for the people of Flint. What we are seeking to do here is bridge the gap between what has been proposed and what I believe the Senate can agree to. It requires that 90 percent of the money we provide be paid back over time. Its cost is fully offset with a pay-for that we have been working on back and forth with CBO and are confident that they will accept. It includes provisions—and we have been working with the Senators from Michigan on this issue—as they relate to EPA notification and a loan forgiveness, language that I think has been in different iterations of measures that have been going forward. I am told that the House is looking at that as well.

That is where we are at this time as we are going into a cloture motion. I believe we have made progress. We are working constructively to help the people of Flint, and what this second-degree amendment would do is make \$550 million available to them. It has been challenging. We have done a lot of hard work to get to this point, but I think we owe it to every American, whether you are in Flint or somewhere else, to do that work and overcome that challenge.

We have gotten to where we are in the discussion. Again, we have the cloture motion going forward. We have been trying to make good progress. We have been trying to conduct an open and fair amendment process. We want to process more amendments this morning so that we can move to complete the bill.

Mr. President, at this time I ask unanimous consent that it be in order to call up the following amendments and make them pending, and that is Stabenow amendment No. 3129; Murkowski second-degree on Flint, amendment No. 3282; Cantwell amendment No. 3242; Flake amendment No. 3055; Flake amendment No. 3050; Murkowski-Cantwell amendment No. 3234; Isakson amendment No. 3202; Markey amendment No. 3232; and Cassidy amendment No. 3192.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Ms. STABENOW. Mr. President, reserving the right to object. I first want to thank the chair. She lists a lot of bipartisan efforts that have gone on. I know a lot of work has been done, but nowhere in that list have the needs of the folks of Flint been addressed, including the children.

The PRESIDING OFFICER. The Senator will state her objection.

Ms. STABENOW. Mr. President, we want to get this solved and not just have votes that go down.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I ask through the Chair if the chairman of the Energy Committee will yield for a question.

Ms. MURKOWSKI. Certainly.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, the chairman of the Energy Committee has done tremendous work with the ranking member, Senator CANTWELL, to try to find some way to address the legitimate concerns we all share and have with what has happened in Flint, but I want to clarify some basic facts. I wish to ask for a comment or answer from the distinguished Senator from Alaska.

Isn't it true that there is not yet a comprehensive assessment and plan in place by the State of Michigan or Flint as to how they might even spend this money at this point to address their concerns about lead in the water supply in Flint?

Ms. MURKOWSKI. It is my understanding that there is an assessment and analysis that is due out, I believe, toward the end of next week. The State has been working aggressively to determine the costs, as well as how they would move forward with an action plan. That is my understanding.

Mr. CORNYN. Mr. President, if the Senator will yield for another question.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Since there is no plan announced yet, or in place, it strikes me as putting the cart before the horse to say that the Senate ought to vote on a \$600 million emergency appropriations deal to pay for a plan that has not yet been created or disclosed to the American people.

I ask the Senator through the Chair, isn't it a fact that the State itself has already appropriated \$40 million to deal with this issue on an emergency basis and the Obama administration has made available another \$80 million through the EPA that is available to the State of Michigan to help Flint deal with this problem, so a total of roughly \$120 million has already been made available?

Ms. MURKOWSKI. I cannot speak to the accuracy of exactly how much has been made available to the State. It is my understanding that the State has received, through the EPA, the State's annual receipts from the EPA's clean water fund. I do not know if that is specific to Flint or whether that is the State's share, as the State of Texas receives and the State of Alaska receives. It is my understanding that the President did make that announcement.

Ms. STABENOW. Mr. President, might I ask the Senator to yield for a question so we can share the information?

Mr. CORNYN. Mr. President, the Senator is out of order.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. CORNYN. Mr. President, I ask the Senator from Alaska if she would yield for one last question on topic.

The PRESIDING OFFICER. Will the Senator yield for a question?

Ms. MURKOWSKI. Yes.

Mr. CORNYN. Isn't it true that the Senators from Michigan made this demand for a \$600 million earmark before

a plan was actually put together by the State of Michigan or the city of Flint—either to analyze the problem or what the solution might look like and how much it might cost—and that the Senator from Alaska, in her capacity as the bill manager, has made an effort to come up with some compromises? In fact, I believe the Senator from Alaska mentioned a compromise that would include upfront funds of \$50 million plus a loan, in effect, that would be paid back over time.

I ask the Senator, doesn't it make sense—because there is no plan in place and because there is money already available for Flint and Michigan to begin to address this problem—for us to take our time and handle any additional requests for funding from Flint or Michigan through the regular appropriations process? I believe the Senator is the chair of the subcommittee that has jurisdiction over these issues, and I am just wondering whether that wouldn't be a more orderly, responsible process than a \$600 million earmark before a plan is even in place.

Ms. MURKOWSKI. Well, to answer the Senator's question, I have been working aggressively and constructively with the Senators from Michigan to try to figure out how we can provide for a level of response. I do not doubt the anxiety and urgency the people in Flint must feel. This is a difficult situation to be in, and it is not a situation that any of us would want any of our constituents to be in. I think there is an imperative from those who are seeking this assistance that—given that there is a Federal role, how can we help to facilitate the appropriate response on the Federal side? If there is a way to help expedite funding to move toward a solution, I think that is appropriate.

I think the Senator's question is, Are we jumping ahead here if we do not know how much? I think it is fair to say that the original estimates were based on the disaster declaration the State had requested. I think it is going to be critical that we understand what the costs will be, and hopefully we will learn about that next week. I know they have been working aggressively to determine that.

We also need to know what the spend plan is because we saw what happened with the stimulus. You can almost get too much money—if that is possible—going in, and you cannot spend it in the way it is best needed. I think we want to be thoughtful and responsible stewards of the taxpayers' dollars in recognizing that, and I think we want to also recognize that the role we have ought to be a proportionate role, and how we can be working to advance that is something we have been attempting to do.

Ms. STABENOW. Will the chair yield for a question?

Ms. MURKOWSKI. In a moment.

The solution I have put down this morning is one that I think recognizes that there is assistance that is needed,

and this is where the opportunity to access loans through the WIFIA Program that will be available not only to the State of Michigan but to other States should they be in a similar situation—so that avoids the earmark. Because I, too, want to make sure we have a situation where we do not allow this to continue in Michigan, but we also do not want to see it in other States as well. So we do that through opportunities for loans through WIFIA. But the direct assistance, which would be \$50 million in addition to whatever may be out there already from the EPA and through the State, I think is a reasonable approach. Again, it is one that is legitimately paid for, and I think that is an important part of our responsibility here, as well as to make sure we not only address the urgency of the situation but also the responsibility we have not only to the people of Flint but to all of our constituencies.

Mr. President, if I could just conclude, and then I will yield.

The PRESIDING OFFICER. All time for debate has expired.

Ms. STABENOW. Will the distinguished leader yield for a question? I have been asking for the opportunity to ask a question, and I ask unanimous consent to ask a question.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. STABENOW. Is the chair aware that the dollars we have asked for require a comprehensive plan from the State and that at this point only \$28 million—most going to health—has been allocated to the State?

Ms. MURKOWSKI. Through the Chair, I am aware that what you have required, as well as what we have been working on jointly, does require an action plan that describes the spend-down and how that would be allocated. It is my understanding that it will be very helpful to have that analysis from the State. That will be forthcoming—hopefully, next week.

Ms. STABENOW. I will be happy to continue the discussion.

I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 2953, the substitute amendment to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

Mitch McConnell, Lisa Murkowski, Cory Gardner, Mike Crapo, John Cornyn, John Barrasso, Steve Daines, Richard Burr, Bill Cassidy, Pat Roberts, John Hoeven, Shelley Moore Capito, John Thune, James E. Risch, Lamar Alexander, John McCain, Rob Portman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2953, as amended, offered by the Senator from Alaska, Ms. MURKOWSKI, to S. 2012, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. WHITEHOUSE (when his name was called). Present.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 50, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—46

Alexander	Gardner	Murkowski
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Capito	Hatch	Risch
Cassidy	Heitkamp	Roberts
Coats	Heller	Rounds
Cochran	Hoeven	Sessions
Collins	Inhofe	Shaheen
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Crapo	Kaine	Thune
Daines	King	Tillis
Donnelly	Kirk	Vitter
Enzi	Manchin	Wicker
Ernst	McCain	
Fischer	Moran	

NAYS—50

Ayotte	Flake	Nelson
Baldwin	Franken	Paul
Bennet	Gillibrand	Peters
Blumenthal	Heinrich	Reed
Booker	Hirono	Reid
Boozman	Klobuchar	Sasse
Boxer	Lankford	Schatz
Brown	Leahy	Schumer
Burr	Lee	Scott
Cantwell	Markey	Stabenow
Cardin	McCaskill	Tester
Carper	McConnell	Toomey
Casey	Menendez	Udall
Coons	Merkley	Warner
Cotton	Mikulski	Warren
Durbin	Murphy	Wyden
Feinstein	Murray	

ANSWERED "PRESENT"—1

Whitehouse

NOT VOTING—3

Cruz	Rubio	Sanders
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The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 50. One Senator responded "present."

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 218, S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

Mitch McConnell, Lisa Murkowski, Cory Gardner, Mike Crapo, John Cornyn, John Barrasso, Steve Daines, Richard Burr, Bill Cassidy, Pat Roberts, John Hoeven, Shelley Moore Capito, John Thune, James E. Risch, Lamar Alexander, John McCain, Rob Portman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 54, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—43

Alexander	Gardner	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Perdue
Capito	Hatch	Portman
Cassidy	Heitkamp	Roberts
Coats	Heller	Rounds
Cochran	Hoeven	Sessions
Collins	Inhofe	Shaheen
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Daines	Kaine	Thune
Donnelly	King	Tillis
Enzi	Kirk	Wicker
Ernst	Manchin	
Fischer	McCain	

NAYS—54

Ayotte	Flake	Paul
Baldwin	Franken	Peters
Bennet	Gillibrand	Reed
Blumenthal	Heinrich	Reid
Booker	Hirono	Risch
Boozman	Klobuchar	Sasse
Boxer	Lankford	Schatz
Brown	Leahy	Schumer
Burr	Lee	Scott
Cantwell	Markey	Stabenow
Cardin	McCaskill	Tester
Carper	McConnell	Toomey
Casey	Menendez	Udall
Coons	Merkley	Vitter
Cotton	Mikulski	Warner
Crapo	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Nelson	Wyden

NOT VOTING—3

Cruz	Rubio	Sanders
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The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. MCCONNELL. Madam President, I wish to say to my colleagues that Senator MURKOWSKI and Senator CANTWELL are going to continue to work over the weekend on the path forward. Hopefully, we will be able to salvage this important bipartisan legislation in the next few days.

In the meantime, the next vote will be at 5:30 p.m. on Monday.

MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority whip.

FLINT, MICHIGAN, WATER CRISIS

Mr. CORNYN. Madam President, I know there are others waiting to speak, and I will be brief. I want to take a couple of minutes to reflect on what just happened on the Senate floor.

We had a bipartisan bill that was shepherded through the Energy Committee by the chair, Senator MURKOWSKI, and the ranking member, Senator CANTWELL. Because our colleagues from Michigan refused to take yes for an answer—objecting to a vote on their very amendment—the Democratic caucus has come together and brought down this bipartisan bill—killing it, at least for the time being.

I share the majority leader's hope that discussions can continue and cooler, more reasonable minds will prevail, rather than just the gamesmanship that, frankly, frustrates all of us and gives Congress a bad name. We know that the vote that just went down was not about the Energy bill. This was about trying to embarrass Republicans and to try to make us look bad and portray us as having no compassion for the poor people of Flint—which is exactly the opposite of true.

The fact is that Senator MURKOWSKI, who is the bill manager and chairman of the Energy Committee, made an offer for a vote on a \$550 million package—a \$550 million package. The Senator from Michigan has asked for a check for \$600 million, but Senator MURKOWSKI, in good faith, trying to be responsible, offered them an alternative of a \$550 million package, and they refused it, instead choosing to bring down this legislation.

I think it is important to note that the State of Michigan has already appropriated somewhere close to \$37 million, including funds specifically set aside for outside experts to conduct an infrastructure integrity study. The fact is, the State of Michigan and the city of Flint don't yet know what they need to do to fix the problem or how much it will cost, and the Senators from Michigan come in here and say: We don't need a plan. We just need cash